STATE OF ARIZONA FILED

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# STATE OF ARIZONA

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# DEPARTMENT OF INSURANCE

In the Matter of:	)
	) No. 04A-006-INS
KARINA BYANKA FAUSTO	)
	) CONSENT ORDER
Respondent.	)
·	)
	)

The State of Arizona Department of Insurance ("Department") has received evidence that Karina Byanka Fausto ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

### FINDINGS OF FACT

- 1. Respondent is, and was at all material times licensed as a resident personal lines producer, Arizona license number 148021, which license expires March 31, 2005.
- 2. On or about October 11, 2001, Respondent pled guilty to one count of forgery, a class four felony, in <a href="State of Arizona v. Karina Byanka Fausto">State of Arizona v. Karina Byanka Fausto</a>, Pima County Superior Court</a>. Cause No. CR-20012930. The forgery involved Respondent's embezzlement of funds from an insurer while under their employ.
- 3. On March 5, 2003, Respondent submitted an Application for an Individual Insurance License (Form L-169) to the ADOI Licensing Section. Respondent checked "yes" to all the questions in "Section VII: Additional Information." Despite the "yes" responses on Respondent's application, the Department inadvertently issued Respondent a resident

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personal lines producer license, #148021. However, Respondent failed to provide the required supporting documentation regarding her felony conviction in conjunction with her application.

- 4. Upon discovery of Respondent's omission of the supporting documentation, the Department attempted to contact Respondent on June 12, 2003, August 5, 2003 and September 9, 2003 to obtain Respondent's felony conviction documents.
- To date, Respondent has not provided the Department with the supporting documentation of her felony conviction.

### **CONCLUSIONS OF LAW**

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct as described above constitutes providing incomplete information in the license application within the meaning of §20-295(A)(1).
- 3. Respondent's conduct as described above constitutes having been convicted of a felony within the meaning of §20-295(A)(6).
- 4. Respondent's conduct as described above constitutes a fraudulent practice by diverting or attempting or conspiring to divert the monies of an insurer within the meaning of A.R.S. § 20 -463(A)(4) and constitutes a violation of A.R.S.§20-295(A)(2).
- 6. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A).

### ORDER

IT IS HEREBY ORDERED THAT Respondent's license is revoked effective

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immediately upon entry of this Order.

DATED AND EFFECTIVE this glb day of January, 2003.

Director of Insurance

### CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of this state from instituting civil or criminal proceedings as may be

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2	1.2.2002 AAIIAA				
3	Date Karina Byanka Fausto				
4	License Number 148021				
5	CODIES of the foregoing mailed/delivered				
6	COPIES of the foregoing mailed/delivered this 13th day of January, 2004, to:				
7	Karina Byanka Fausto				
8	31 West Los Reales, #248 Tucson, AZ 85706				
9	Gerrie L. Marks, Deputy Director				
10	Catherine M. O'Neil, Consumer Legal Affairs Officer Rebecca Sanchez, Licensing				
11	Arnold Sniegowski, Investigations Supervisor Marcia Croddy, Investigator Department of Insurance 2910 North 44 <sup>th</sup> Street, Suite 210				
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